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BEFORE THE
BOARD OF REGISTERED NURSING
DEPARTMENT OF CONSUMER AFFAIRS
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

THOMAS DOUGLAS
265 East Amber Way
Hanford, California 93230

Registered Nurse License No. 588021
Public Health Nurse Certificate No. 64328
Nurse Practitioner Certificate No. 19522

Respondent.

Case No. **2010-379**

ACCUSATION

Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

PARTIES

1. Complainant brings this Accusation solely in her official capacity as the Interim Executive Officer of the Board of Registered Nursing ("Board"), Department of Consumer Affairs.

Registered Nursing License

On or about October 2, 2001, the Board issued Registered Nurse License Number 588021 ("License") to Thomas Douglas ("Respondent"). The License will expire on July 31, 2011, unless renewed.

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1 **Public Health Nurse Certificate**

2 3. On or about November 2, 2001, the Board issued Public Health Nurse Certificate
3 No. 64328 to Respondent. This certificate will expire on July 31, 2011, unless renewed.

4 **Nurse Practitioner Certificate**

5 4. On or about November 3, 2009, the board issued Nurse Practitioner Certificate
6 No. 19522 to Respondent. This certificate will expire on July 31, 2011, unless renewed.

7 **JURISDICTION**

8 5. Business and Professions Code ("Code") section 2750 provides, in pertinent part,
9 that the Board may discipline any licensee, including a licensee holding a temporary or an
10 inactive license, for any reason provided in Article 3 (commencing with section 2750) of the
11 Nursing Practice Act.

12 6. Code section 2764 provides, in pertinent part, that the expiration of a license shall
13 not deprive the Board of jurisdiction to proceed with a disciplinary proceeding against the
14 licensee or to render a decision imposing discipline on the license. Under Code section 2811(b),
15 the Board may renew an expired license at any time within eight years after the expiration.

16 **STATUTORY PROVISIONS**

17 7. Code section 2761 states, in pertinent part:

18 The board may take disciplinary action against a certified or licensed nurse
19 or deny an application for a certificate or license for any of the following:

20 (a) Unprofessional conduct.

21

22 (f) Conviction of a felony or of any offense substantially related to the
23 qualifications, functions, and duties of a registered nurse, in which event the
24 record of the conviction shall be conclusive evidence thereof.

24

25 8. Code section 2762 states:

26 In addition to other acts constituting unprofessional conduct within the
27 meaning of this chapter [the Nursing Practice Act], it is unprofessional conduct
28 for a person licensed under this chapter to do the following:

1 (b) Use any controlled substance as defined in Division 10 (commencing
2 with Section 11000) of the Health and Safety Code, or any dangerous drug or
3 dangerous device as defined in Section 4022, or alcoholic beverages, to an extent
4 or in a manner dangerous or injurious to himself or herself, any other person, or
5 the public or to the extent that such use impairs his or her ability to conduct with
6 safety to the public the practice authorized by his or her license.

7 (c) Be convicted of a criminal offense involving the prescription,
8 consumption, or self-administration of any of the substances described in
9 subdivisions (a) and (b) of this section, or of the possession of, or falsification of a
10 record pertaining to, the substances described in subdivision (a) of this section, in
11 which even the record of the conviction is conclusive evidence thereof.

12

13 COST RECOVERY

14 9. Code section 125.3 provides, in pertinent part, that the Board may request the
15 administrative law judge to direct a licensee found to have committed a violation or violations
16 of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and
17 enforcement of the case.

18 TERMINATED FROM DIVERSION

19 10. On or about May 6, 2008, Respondent was terminated from the Board's diversion
20 program for failing to comply with provisions of the rehabilitation plan.

21 FIRST CAUSE FOR DISCIPLINE

22 (Conviction of a Crime)

23 11. Respondent is subject to discipline under Code section 2761(f), in that on or about
24 December 20, 2007, in the case of *People v. Thomas Douglas*, (Super. Ct. Kings County, Case
25 No. 07CM2721), Respondent was convicted by the Court on his plea of nolo contendere of
26 violating Vehicle Code section 23153(b) (driving with a blood alcohol level of .08% or higher), a
27 misdemeanor, a crime that is substantially related to the qualifications, functions or duties of a
28 licensed registered nurse. The circumstances of the crime was that on or about July 23, 2007,
Respondent drove a motor vehicle while under the influence of alcohol, in that his blood alcohol
content measured .026%, that resulted in Respondent's motor vehicle being involved in a traffic
collision with another vehicle.

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1 **SECOND CAUSE FOR DISCIPLINE**

2 **(Dangerous Use of Alcohol)**

3 12. Respondent is subject to discipline under Code sections 2761(a), on the grounds
4 of unprofessional conduct as defined in Code section 2762(b), in that on or about July 23, 2007,
5 Respondent used alcohol to an extent or in a manner dangerous or injurious to himself, other
6 persons, and the public, by operating a motor vehicle while his ability was impaired, as more
7 particularly set forth above in paragraph 11.

8 **THIRD CAUSE FOR DISCIPLINE**

9 **(Conviction Involving the Consumption of Alcohol)**

10 13. Respondent is subject to discipline under Code section 2761(a), on the grounds of
11 unprofessional conduct as defined in Code section 2762(c), in that on or about
12 December 20, 2007, Respondent was convicted of a crime involving the consumption of alcohol,
13 as more particularly set forth above in paragraph 11.

14 **PRAYER**

15 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein
16 alleged, and that following the hearing, the Board of Registered Nursing issue a decision:

- 17 1. Revoking or suspending Registered Nurse License Number 588021, issued to
18 Thomas Douglas;
- 19 2. Revoking or suspending Public Health Nurse Certificate Number 64328, issued to
20 Thomas Douglas;
- 21 3. Revoking or suspending Nurse Practitioner Certificate Number 19522, issued to
22 Thomas Douglas;
- 23 4. Ordering Thomas Douglas to pay the Board of Registered Nursing the reasonable
24 costs of the investigation and enforcement of this case, pursuant to Code section 125.3; and,

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1 5. Taking such other and further action as deemed necessary and proper.

2 DATED: 2/10/10

3
4 for Stacie Beum
5 LOUISE R. BAILEY, M.Ed., RN
6 Interim Executive Officer
7 Board of Registered Nursing
8 Department of Consumer Affairs
9 State of California
10 Complainant

11 SA2009101770
12 Accusation (kdg) 12/3/09

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27 JUDGE -S LUIS-IP
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